UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO. 1:25-CV-11308-FDS

ERAANO INVESTMENT, LLC

PLAINTIFF,

VS.

NAROSMI BODDO AUGUSTE-EL

DEFENDANTS.

ERAANO INVESTMENT, LLC's MOTION DISMISS AND REMAND BACK TO HOUSING COURT

Now comes Plaintiff, Eraano Investment, LLC, through counsel, and hereby requests that the court dismiss the court action and remand these proceeding back to state court, specifically, North East Housing Court of the Commonwealth of Massachusetts.

In support thereof, there is no diversity of jurisdiction, and there is no federal question before this court.

The United States Federal Court is the proper court of matters of diversity jurisdiction between the parties, and for issues of federal questions. Under Federal Rule of Civil Procedure 12(b), a complaint—or, as here, a pleading that styles itself both as a complaint and as a petition—may be dismissed for "lack of subject[]matter jurisdiction" or for "failure to state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(1).

CASE HISTORY:

Eraano Investment, LLC is a Massachusetts Limited Liability Company with its principal place of business at 13 Rogers Street, South Boston, MA 02127. The LLC was registered January 7, 2025 with the Commonwealth of Massachusetts.

Narosmi Auguste, a/k/a Narosmi Auguste-Buteau, is a natural person, now known as **Narosmi Boddo Auguste El Bey**, presently of 74 Madison Street, Apt 2, Everet, MA 02149.

The name change of *Narosmi Boddo Auguste El Boy from* Narosmi Auguste, a/k/a Narosmi Auguste-Buteau, **is pursuant to a Judgment of Name Change**, issued by the Middlesex Probate and Family Court, Docket No. 22C0652CA on or about January 28, 2025. Narosmi Auguste was previously the property owner of 74 Madison Street, Everett, MA 02149.

The property was sold pursuant to a bank foreclosure back on January 3, 2025.

Eraano Investment, LLC acquired all right, title and interest in said real estate pursuant to a Massachusetts Foreclosure Deed by Corporation, dated January 21, 2025 and recorded with the Middlesex South Registry of Deeds on February 7, 2025, and recorded in Book 83752, Page 421.

Subsequently Eraano Investment, LLC served Narosmi Auguste, with a "30-Day Notice to Quit" on or about February 12, 2025. A summary process complaint was then filed on or about March 20, 2025 (see Docket No. 25H77SP001503).

Once the summary process complaint was scheduled with the court, it was marked up for hearing, and then for Summary Process Trial.

Narosmi Boddo Auguste El Boy removed this case to the Massachusetts United States District Court, prior the schedule Summary Process Trial scheduled by the Northeast Housing Court.

The Massachusetts Housing Court has exclusive jurisdiction of housing matters, especially summary process complaints (see M.G.L. Chapter 185C).

NO DIVERSITY JURISDICTION

Under Federal Rule of Civil Procedure 12(b), a complaint—or, as here, a pleading that styles itself both as a complaint and as a petition—may be dismissed for "lack of subject[]matter jurisdiction" or for "failure to state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(1).

The requirements for diversity of citizenship jurisdiction are set forth in 28 U.S.C. §1332, which states that federal district courts have original jurisdiction "of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States." 28 U.S.C. § 1332(a)(1) (2000).

In addition, "complete diversity" must exist between all parties for the court to retain jurisdiction; this means that every plaintiff must be diverse from every defendant. Triggs v. John Crump Toyota, Inc., 154 F.3d 1284, 1287 (11th Cir. 1998).

In order for the US District Court in Massachusetts to have jurisdiction over the current case, it must have diversity jurisdiction. Eraano Investment, LLC is a Massachusetts Limited Liability Company. Narosmi Boddo Auguste El Boy is a natural person with a principal address of 74 Madison Street, Apt 2, Everett, MA 02149.

Defendant does not raise any possible basis for federal jurisdiction other than diversity jurisdiction under 28 U.S.C. § 1332. But pursuant to the party's current residence, both from Massachusetts, the case lacks diversity of jurisdiction. The Massachusetts Probate and Family court does not have jurisdiction unless a party has a primary residence within Massachusetts. As indicated in the "NAME CHANGE CERTIFICATE" Narosmi Boddo Auguste El Boy claimed to be a Massachusetts resident, with an address at 74 Madison Street, Apt 2, Everett, MA 02149, in order to properly file the petition with the Probate and Family Court and seek a name change. That judgment was issued just recently, as of January 28, 2025. To Plaintiff's knowledge, there is not basis or belief to believe Narosmi Boddo Auguste El Boy is now residing at a foreign address, or has refuted personal jurisdiction within the Commonwealth of Massachusetts.

As a result of both parties, Eraano Investment, LLC and Narosmi Boddo Auguste El Boy, being residents of the Commonwealth of Massachusetts, there is now diversity jurisdiction, and the petition must be denied, dismissed, and remanded to the Massachusetts Northeast Housing Court.

"A case is properly dismissed for lack of subject matter jurisdiction under Rule 12(b)(1) when the district court lacks the statutory or constitutional power to adjudicate it." *Makarova v. United States*, 201 F.3d 110, 113 (2d Cir. 2000). "In resolving a motion to dismiss for lack of subject matter jurisdiction under Rule 12(b)(1), a district court . . . may refer to evidence outside the pleadings." *Id.* (citing *Kamen v. Am. Tel. & Tel. Co.*, 791 F.2d 1006, 1011 (2d Cir. 1986)). "A plaintiff asserting subject matter jurisdiction has the burden of proving by a preponderance of the evidence that it exists." *Makarova*, 201 F.3d at 113. Plaintiff is a citizen of the same state as Defendant. As the parties are not diverse, this case does not meet the requirements of diversity jurisdiction, and therefore, the Court does not have

original jurisdiction over this case.

NO FEDERAL QUESTION

The parties are participants to Summary Process Complaint filed within the Northeast Housing Court. The dispute is possession of the real estate after loss of title by Defendant after a foreclosure by the Defendant's mortgage lender. Eraano Investment LLC was a high bidder at the real estate auction and acquired tittle to the real estate through a foreclosure proceeding. Defendant did not challenge the foreclosure, and record title for the real estate lies Eraano Investment, LLC. Eraano Investment, LLC then initiated eviction proceedings to gain possession of the real estate, specifically Unit 2 still occupied by Defendant.

Pursuant to M.G.L. Chapter 185C, only the Commonwealth of Massachusetts courts have jurisdiction to adjudicate the rights between the parties in housing issues. Under Rule 12(b)(1), "[a] case is properly dismissed for lack of subject matter jurisdiction when the court lacks the statutory or constitutional power to adjudicate the case. Defendant has not property raised a claim on which relief can be granted.

Defendant has failed to raise a claim under federal law and transferred the case to the US district court with the goal of hindering or delaying the summary process trial which was scheduled for Thursday, May 15, 2025.

Because Defendant has improperly sough removal to US district court, with no diversity between the parties, and due to lack of subject matter jurisdiction, Plaintiff respectfully requests that the court dismiss the within Complaint, or Dismiss solely Eraano Invesment, LLC and remand the current action back to the Northeast Housing Court for further proceedings consistent with MA Court Jurisdiction.

Wherefore, the Eraano Investment, LLC requests that this Honorable Court enter judgment in its favor, dismiss the underlying complaint against it, and order that it be remanded to the Northeast Housing Court. In addition, Plaintiff seeks an award of attorney fees, court costs, and fees, and other relief as this Court deems reasonable and just.

Respectfully submitted, **ERAANO INVESTMENT, LLC**

By its attorney,

/s/ Francisco J Rosa

Francisco J. Rosa BBO #686673 Rosa & Taing Law, LLC 1550 Middlesex Street Lowell, MA01851 Phone: 978-458-0934

Fax: 978-832-2282 DATE: May 17, 2024 fr@rosataing.com

CERTIFICATE OF SERVICE

I, Francisco J. Rosa, hereby certify that on November 17, 2025, a true copy of the above Motion & exhibits were served via ECF and/or via electronic mail, upon the following individual:

Narosmi Boddo Auguste El Boy 74 Madison Street, Apt 2 Everett, MA 02149 Email: markwshea@gmail.com

/s/Francisco J. Rosa

Francisco J. Rosa

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The Commonwealth of Massachusetts, William Francis Galvin

Corporations Division

One Ashburton Place - Floor 17, Boston MA 02108-1512 | Phone: 617-727-9640

Certificate of Organization

(General Laws, Chapter 156C, Section 12) Filing Fee: \$500.00

Identification Number: 001859743 (number will be assigned)

1. The exact name of the limited liability company is:

ERAANO INVESTMENT LLC

2. The address in the Commonwealth where the records will be maintained:

Number and

13 ROGERS STREET

street:

Address 2:

City or town: SOUTH BOSTON State: MA Zip code: 02127

Country: UNITED STATES

3. The general character of business (if the limited liability company is organized to render professional service, this form must be filed by fax, mail or in person):

REAL ESTATE INVESTMENT AND TRANSACTIONS.

4. The latest date of dissolution, if specified: (mm/dd/yyyy)

5. The name and address of the Resident Agent:

Agent name: GENCI PANCE

Number and 13 ROGERS STREET

street:

Address 2:

City or town: SOUTH BOSTON State: MA Zip code: 02127

I GENCI PANCE,

resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Name	Address
MANAGER	GENCI PANCE	13 ROGERS STREET SOUTH BOSTON, MA 02127 USA

MANAGER	NORA PANCE	13 ROGERS STREET SOUTH BOSTON, MA 02127 USA		
7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.				
Title	Name	Address		
8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:				
Title	Name	Address		
9. Additional matte	rs:			
10. This certificate is effective at the time and on the date approved by the Division, unless a later effective date not more than ninety (90) days from the date of filing is specified:				
Later Effective Date	e (mm/dd/yyyy): 02/02/2025 T	ime (HH:MM) 11:51 AM		
SIGNED UNDER THE PENALTIES OF PERJURY, this 7 Day of January, 2025,				
GENCI PANCE				
, Signature of Authorized Signatory.				

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

January 07, 2025 12:03 PM

WILLIAM FRANCIS GALVIN

Hetera Frain Dalies

Secretary of the Commonwealth

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CERTIFICATE OF CHANGE OF NAME

Docket No. Mi22C0652CA

Mi22C0652CA

Middlesex Probate and Family Court

(781)865-4000

On 09/01/2022 the name of Narosmi Auguste-Buteau of Everett, MA was changed to Narosmi Boddo Auguste El Bey which shall hereafter be their legal name.



CERTIFICATION



As Register of Probate having the care and custody of the records pertaining to this court, I certify that the above change of name remains in full force and effect.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of said Court on January 28, 2025.

REGISTER OF PROBATE

JAN 28 2025

MIDDLESEX, SS PROBATE COURT A TRUE COPY CERTIFIED

REGISTER PART

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Middlesex South Registry of Deeds

Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number : 13583 Document Type : FD

Recorded Date : February 07, 2025

Recorded Time : 11:45:19 AM

Recorded Book and Page : 83752 / 421

Number of Pages(including cover sheet) :

Receipt Number : 3063423 Recording Fee (including excise) : \$2,827.16

MASSACHUSETTS EXCISE TAX
Southern Middlesex District ROD # 001

Date: 02/07/2025 11:45 AM

Ctrl# 399725 08194 Doc# 00013583 Fee: \$2.672.16 Cons: \$586.000.00

> Middlesex South Registry of Deeds Maria C. Curtatone, Register 208 Cambridge Street Cambridge, MA 02141 617-679-6300 www.middlesexsouthregistry.com

MASSACHUSETTS FORECLOSURE DEED BY CORPORATION

Citizens Bank N.A. f/k/a RBS Citizens N.A.

a National Association duly established under the laws of the United States of America and having its usual place of business at 10561 Telegraph Road, Glen Allen, Virginia 23059, holder of a mortgage

From:

Narosmi Auguste

To:

Mortgage Electronic Registration Systems, Inc., as Mortgagee, as nominee for RBS

Citizens, N.A.

Dated:

September 10, 2013, and recorded with the Middlesex County (Southern District) Registry of

Deeds, in Book 62610, Page 574, of which Mortgage the Undersigned is present holder by

assignment.

by the power conferred by said mortgage and every other power, for FIVE HUNDRED EIGHTY-SIX THOUSAND and 00/100 Dollars (\$586,000.00) paid, grants to:

ERAANO INVESTMENT, LLC

with a place of business and mailing address of 13 Rogers Street, South Boston, MA 02127, the premises conveyed by said mortgage to wit:

SEE EXHIBIT "A" ATTACHED HERETO

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Witness the execution and the corporate seal	of said National Association thisday of
Jan	2025.
	Citizens Bank N.A. f/k/a RBS Citizens N.A. By: Name: Title: ###################################
COMMONWEALTH OF VIRGINIA	
COUNTY OF HENRICO	
	January 21, 2025.
On this 21 day of 1and the undersigned notary public, personally appears of 1an 1eu Any	(name & title),
the proceeding or attached document, and w	of identification, which was [] personal knowledge or [] of identification), to be the person whose name is signed on the acknowledged he/she signed it voluntarily for its stated to a RBS Citizens N.A. and the execution of said document
was the free act and deed of Citizens Bank	N.A. f/k/a RBS Citizens N.A.
NOTARY PUBLIC REG. # 00292899 COMMISSION EXPIRES MARCH 31 2028	Haven Burton Notary Public Printed Name: Raven Burton My Comm. Expires: 3 3 1/28
File No.: 24-10708	

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration thereof, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

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Exhibit "A"

Property Address: 74 Madison Avenue, Everett, MA 02149

A certain parcel of land with the buildings thereon situated in Everett, Middlesex County, Massachusetts, being the premises numbered 74 in the present numbering of Madison Avenue in said Everett and being shown as Lot 78 and a part of Lot 77 on a plan entitled "Washington Park, Plan of Building Lots in Everett and Chelsea, owned by J. W. Litchfield, E.F. Chaffee and C.H. Porter, April 1892" recorded with Middlesex South District Deeds, Book of Plans 74, Plan 12, and bounded and described as follows:

NORTHEASTERLY by Madison Avenue, fifty (50) feet;

SOUTHEASTERLY by land now or formerly of Mary Carey, eighty (80) feet;

SOUTHWESTERLY in part by Lot 97 and in part by Lot 96 on said plan, fifty (50) feet; and

NORTHWESTERLY by Lot 79 on said plan, eighty (80) feet.

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AFFIDAVIT

I, Stanley Mya of Citizens Bank N.A. f/k/a RBS Citizens N.A. named in the foregoing deed, make oath and say that the principal and interest obligation mentioned in the mortgage above referred to was not paid or tendered or performed when due or prior to the sale, and that Citizens Bank N.A. f/k/a RBS Citizens N.A. caused to be published on October 24, 2024, October 31, 2024, November 7, 2024 in the Everett Leader Herald & News Gazette, a newspaper published or by its title page purporting to be published in Everett, Massachusetts and having a general circulation in the Town of Everett, a notice of which the following is a true copy:

See Exhibit "A" attached hereto and incorporated herein by reference

I also complied with Chapter 244, Section 14 of the Massachusetts General Laws, as amended, and 26 U.S.C.A. Section 7425(c) of the Internal Revenue Code (if applicable) by mailing the required notices by certified mail, return receipt requested.

Pursuant to said notice at the time and place therein appointed, to wit, November 26, 2024 at 12:00PM where and when Citizens Bank N.A. f/k/a RBS Citizens N.A. postponed said auction to January 3, 2025 at 12:00PM where and when Citizens Bank N.A. f/k/a RBS Citizens N.A. caused to be sold the mortgage premises by Matthew J. Katz, a duly licensed auctioneer, to Genci Pance of 13 Rogers Street, South Boston, MA 02127 for FIVE HUNDRED EIGHTY-SIX THOUSAND and 00/100 Dollars (\$586,000.00), being the highest bid made at said auction.

Said bid was then assigned by Genci Pance to ERAANO INVESTMENT, LLC with a place of business and post office address of 13 Rogers Street, South Boston, MA 02127 as evidenced by the assignment of bid to be recorded herewith as Exhibit "B".

File No.: 24-10708

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Signed under the pains and penalties of p	erjury this 2/ day of Ign
2025.	
	Citizens Bank N.A. f/k/a RBS Citizens N.A.
	By: Stul Age
	Name: STANLEY ANYM
	Title: AVP
COMMONWEALTH OF VIRGINIA	
COUNTY OF HENRICO	Jahuary 21, 2025.
Then personally appeared the above proved to me through satisfactory evidence Der Sonally known, to be the p who swore or affirmed to me that the content best of (his) (her) knowledge and belief, as	
NOTARY PUBLIC REG. #99 00292899 00292899 EXPIRES MARCH 31 2028	Raven Birton Notary Public Printed Name: Raven Burton My Comm. Expires: 3 31 28

File No.: 24-10708

Exhibit "A"

Everett Leader Herald & News Gazette

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

Premises: 74 Madison Avenue, Everett, MA 02149

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Narosmi Auguste to Mortgage Electronic Registration Systems, Inc., as Mortgagee, as nominee for RBS Citizens, N.A., and now held by Citizens Bank N.A. f/k/a RBS Citizens N.A., said mortgage dated September 10, 2013 and recorded in the Middlesex County (Southern District) Registry of Deeds in Book 62610, Page 574, said mortgage was assigned from Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for RBS Citizens, N.A. to Citizens Bank, N.A. by assignment dated April 10, 2024 and recorded with said Registry of Deeds in Book 82655, Page 407; for breach of the conditions in said mortgage and for the purpose of foreclasing the same will be sold at Public Auction on November 26, 2024 at 12:00 PM Local Time upon the premises, all and singular the premises described in said mortgage, to wit:

A certain parcel of land with the buildings thereon situated in Everett, Middlesex County, Massachusetts, being the premises numbered 74 in the present numbering of Madison Avenue in said Everett and being shown as Lot 78 and a part of Lot 77 on a plan of Building Lots in Everett and Chelsea, owned by J. W. Litchfield, E.F. Chaffee and C.H.

Porter, April 1892' recorded with Middlesex South District Deeds, Book of Plans 74, Plan 12, and bounded and described as follows:

NORTHEASTERLY by Medison Avenue, fifty (50) feet: SOUTHEASTERLY by land now or formerly of Mary Carey, eighty (80) feet:

SOUTHWESTERLY in part by Lot 97 and in part by Lot 96 on said plan, fifty (50) feet; and

NORTHWESTERLY by Lot 79 on said plan, eighty (80) feet.

The description of the property contained in the mortgage shall control in the event of a typographical error in this publication.

For Mortgagor's Title see deed dated August 23, 2013 and recorded in the Middlesex County (Southern District) Registry of Deeds in Book 62610, Page 571.

TERMS OF SALE: Said premises will be sold and conveyed subject to all flens, encumbrances, unpaid taxes, tax titles, municipal fiens and assessments, if any, which take precedence over the said mortgage above described.

FIVE THOUSAND (\$5,000.00) Dollars of the purchase price must be paid in cash, certified check, bank treasurer's or cashier's check at the time end place of the sale by the purchaser. The balance of the purchase price shall be paid in cash, certified check, bank treasurer's or cashier's check within thirty (30) days after the date of sale.

Other terms to be announced at the sale.

Brock & Scott, PLLC 23 Messenger Street 2nd Floor Plainville, MA 02762 Attorney for Citizens Bank N.A. fik/a RBS Citizens N.A. Present Holder of the Mortgage (401) 217-6701

October 24, 2024 October 31, 2024 November 7, 2024 **Housing Court Department**

Division: Northeast

Address: 2 Appleton St., 2nd Fl, Lawrence, MA 01840

Telephone Number: 978-689-7833

Hours of Operations: Monday - Friday 8:30 AM to 4:30 PM

~
For Court Use Only:
•
Docket No:

Commonwealth of Massachusetts SUMMARY PROCESS (EVICTION) SUMMONS AND COMPLAINT

IMPORTANT: NOTICE OF A COURT CASE TO EVICT YOU. PLEASE READ IT CAREFULLY

<u>IMPORTANTE: ESTA ES UNA NOTIFICACION DE UN CASO EN CORTE RESPETO A</u> PROCEDIMIENTOS DE DESALOJO - POR FAVOR DE LEER CON CUIDADO TO: DEFENDANT(S)/TENANT(S)/OCCUPANT(S): Navosmi ADDRESS: 74 Madison Ave #2 ZIP: 021 EMAIL: TELEPHONE: 857 THE COURT WILL SEND YOU A NOTICE OF THE DATE, TIME, AND MANNER OF YOUR COURT EVENT. You are hereby summonsed to appear at a hearing before a Judge of the Court to defend against the complaint of: PLAINTIFF/LANDLORD/LESSOR/OWNER: ERAA NO Investment, LLC of STREET: 53 that you occupy the premises at 74 Madison Ave #2 being within the judicial district of this Court, unlawfully and against the right of said Plaintiff/Landlord/Owner because: Vacato and further, that \$ rent is owed according to the following account: ACCOUNT ANNEXED (itemize) ing use & occipancy that and uspaid offer the Signature of Plaintiff or Attorney Address of Plaintiff or Attorney NOTICE TO EACH DEFENDANT/TENANT/OCCUPANT Email of Plaintiff or Attorney If you do not file and serve an answer, or if you do not defend at the time of the trial, Judgment may be entered against you for possession and the rent as requested in the complaint. Please see 9580934 68673 BBO# the Notice to Defendant section on the back side of this page. FOR INFORMATION ABOUT EMERGENCY RENTAL AND MORTGAGE ASSISTANCE:

Please visit: www.mass.gov/CovidHousingHelp or call 211 for assistance.

To the Sheriff of our several counties, or their Deputies, or any constable of any City or Town within said Commonwealth, Greetings: We command you to summon the within named defendant(s)/tenant(s)/occupant(s) to appear as herein ordered.

WITNESS:

Service by: Entry Date by: Trial Date: To Be Determined by the Court

COMMONWEALTH OF MASSACHUSETTS

I hereby certify and return that on March 19, 2025, I served a true and attested copy of the within Summary Process and Complaint in this action upon each tenant/defendant Narosmi Auguste said service was made at the last and usual place of abode at 74 Madison Avenue, #2, Everett, MA. Also on same day, I mailed first class copies to same.

Signed under the pains and penalties of perjury today March 19, 2025

Fee \$ 60.00

Lauren D'Avella 781-589-4095

2 Neptune Road PMB 242 East Boston MA 02128